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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,024	08/04/2003	Winthrop D. Childers	10971935-17	5804

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HEWLETT-PACKARD COMPANY
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EXAMINER

VO, ANH T N

ART UNIT PAPER NUMBER

2861

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,024

Applicant(s)

CHILDERS ET AL.

Examiner

Anh t.n Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37 and 38 is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Information Disclosure Statement

The references cited on PTO 1449 have been considered

Specification

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Disclosure Object to, Minor Informalities

The disclosure is objected to because of the following informalities:

In specification, pages 1-2, "attorney docket number" should be deleted and "application serial number" should be provided. Correction is required.

Double patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of US Pat. number 6,322,205 and claims 1-20 of US Pat. 6,619,789. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim an adaptive ink supply for a printing system comprising:

- an ink reservoir;
- a fluid outlet;
- an ink supply sleeve;
- a hollow needle;
- a adapter connector;
- an electrical connector;
- electrical contact pads;
- a source of signals;
- a controller;
- a housing;
- a shell;
- an air supply sleeve;
- an air pressure source;
- an air inlet;
- a guide slot;
- a guide member;
- a flexible cable and a flexible conduit; and
- a latch portion and a latch feature.

This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

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Allowable Subject Matter

Claims 1-29 are allowable if provide a terminal disclaimer. These claims are allowed because none of the prior art references of record teaches an adaptive ink supply for a printing system comprising an adapter connector having a base, a plurality of electrical contact pads being mounted to the base and spaced side-by-side for engaging the electrical contacts of the printing system electrical connector, the adapter connector having at least one guide member which engages at least one of the sides of the printing system electrical connector for aligning the contact pads into engagement with the electrical contacts; and a source of signals electrically connected to the contact pads of the adapter connector for exchanging information with a controller in the combination as claimed.

Claims 30-33 are allowable if provide a terminal disclaimer. These claims are allowed because none of the prior art references of record teaches an adaptive ink supply for a printing system comprising a plurality of electrical contacts that are mounted to a housing for engaging electrical contacts of an electrical connector and an information storage device being coupled to the contact pads exchanging information with the printing system control electronics in the combination as claimed.

Claims 34-36 are allowable if provide a terminal disclaimer. These claims are allowed because none of the prior art references of record teaches an adaptive ink supply for a printing system comprising an ink supply circuit that is connected to a plurality of ink container contacts, the ink supply circuit provides signals to a controller indicative of a state of the adaptive ink supply in the combination as claimed.


Claims 37-38 are allowable. These claims are allowed because none of the prior art references of record teaches an adaptive ink supply for a printing system comprising a plurality of contacts being mounted to a housing that are electrically coupled to a source of signals, the plurality of contacts that is arranged along a line for engagement with a corresponding linear array of contacts associated with the printing system, the line defining an x-axis, the x-axis

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substantially perpendicular to the direction of insertion, the alignment surfaces sufficient to provide alignment of between the plurality of contacts mounted to the housing and the corresponding linear array of contacts associated with the printing system in the combination as claimed.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo. whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M. The fax number of this Group 2861 is (703) 872-9306.



ANH T.N. VO
PRIMARY EXAMINER
January 6, 2005